

AMENDMENT UNDER 37 C.F.R. § 1.111

Application No.: 10/773,231

Atty Docket No.: Q79581

REMARKS

The Office Action of July 14, 2004 has been received, and its contents carefully considered.

Claims 1 to 11 are all the claims pending in the application.

The Examiner makes of record the telephone restriction requirement and applicants' election of Group II. The Examiner states that applicants must affirm this election when responding to the Office Action. Applicants hereby affirm this election.

The Examiner states that since no prior art was found teaching or suggesting the structural makeup of the elected products, the corresponding hydrazones of claim 11 have been searched based on the exemplified species.

The Examiner objects to the abstract of the disclosure because it does not set forth any structural makeup for the formula (I) compounds that are being claimed.

In response, applicants have amended the abstract to insert the structural formula for formula (I).

The Examiner objects to the disclosure as being informal because the status of the parent applications should be updated at page 1 of the specification.

In response, applicants have amended the specification to update the status of all of the parent applications.

Claim 10 has been rejected under the second paragraph of 35 U.S.C. § 112 as indefinite.

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The Examiner states that claim 10 recites controlling “unfavorable weeds”. The Examiner asks how does this scope differ from treating “weeds” per se.

In response, applicants have amended claim 10 to delete the term “unfavorable”.

Claims 1 to 5 and 9 to 11 have been rejected under judicial doctrine as being drawn to an improper Markush Group.

The Examiner states that the Markush at Q in Groups I to III embrace more than one invention, as set forth in the restriction requirement. The Examiner states that deletion of the non-elected subject matter would overcome this rejection.

In response, applicants have amended the claims to delete the non-elected subject matter. Thus, applicants have amended claim 1 to change the phrase “n is 1 or 0 when Z¹ is sulfur or NH and n is 0 when Z¹ is oxygen” to --n is 0--.

Further, applicants have amended claim 11 by changing the term “n is 0 or 1” to --n is 0--.

In view of the above, applicants request withdrawal of this rejection.

The Examiner has indicated that claims 6 to 8 contain allowable subject matter, and would be allowable if rewritten in independent form.

Claims 6 to 8 depend ultimately from claims 1, 2, 3 or 4. Since the above amendments to claim 1 are believed to place claims 1, 2, 3 or 4 in condition for allowance, applicants submit that there is no need to place claims 6 to 8 in independent form.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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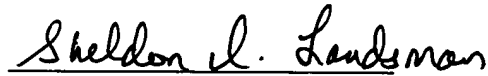
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 14, 2004